

REMARKS

This Amendment After Final is in response to the Office action mailed September 26, 2007. It is believed that no fees are necessary in connection with the present Amendment. However, if any fees are due, kindly charge the cost thereof to our Deposit Account No. 13-2855.

Status of Claims

Claims 1-11 are pending in the application. Claim 9 is amended to include the language of claim 6 in response to a rejection under 35 U.S.C. § 112, second paragraph. Claims 1-11 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Winter, U.S. Patent No. 6,189,701.

Rejection Under 35 U.S.C. § 112, Second Paragraph

Claim 9 was rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite. In response to the rejection, the Applicants amended claim 9 to incorporate the language of claim 6, so that both a “second sorting station” and a “third sorting station” are recited in claim 9. Withdrawal of the rejection is respectfully requested.

Rejections Under 35 U.S.C. § 103(a)

Claims 1-11 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Winter, U.S. Patent No. 6,189,701. Winter discloses a method and device for producing plastic hollow bodies comprising a preform inspection unit and a station for sorting out defective preforms. According to Winter, both the inspecting of preforms and the sorting out of defective preforms occur before the heating station. The Winter reference therefore teaches two things:

- 1) The inspecting station and the station for sorting out defective preforms are combined as a single, grouped operation that has to occur together.

- 2) The defective preforms are sorted out before the heating station.

That Winter teaches the defective preforms are sorted out before the heating station is confirmed by Winter's explicit disclosure of the problems defective preforms cause in ovens:

However, a defectively manufactured preform can cause operating problems if it reaches the heating device and/or the stretch blow device. For example, damage to the mouth area of a preform may result in leakage during the stretch blowing process.

Winter, Col. 1, lines 24-28.

The final Office action refers to Winter (at Col. 3, lines 15-17) as stating that several different inspection stations may be arranged in order to inspect different parameters. This should, according to the Office action, encourage routine experimentation in the type and location of inspection stations. The Applicants agree with this proposition as far as the location of the inspecting station and the station for sorting out the preforms is concerned. Due to the two mentioned teachings of Winter, however, it is not obvious that the inspection station is located before the heating station and that the station for sorting out is located after the heating station.

Winter only teaches that the preforms are sorted out before the heating station (so as to avoid the problems to which that patent was directed, namely those problems associated with the presence of defective preforms in the oven). Furthermore, the paragraph of Winter relied upon by the final Office action only mentions inspection stations arranged in sequence. Winter does not disclose or suggest an arrangement of inspection stations in any order other than in combination/sequence with each other.

The final Office action expresses that "it is generally known in the art to locate inspection and/or sorting stations in the line of a continuous heating / blow molding process.... It would have been obvious ... to modify the teachings of Winter and sort some defective preforms after

heating...". The Applicants respectfully traverse this argument. It would not have been obvious to modify the teachings of Winter, due to Winter's express teaching of the sorting out of defective preforms before the heating station.

The Applicants' present claims at first seem contrary to what a person of ordinary skill in the art would be led to develop. For example, one of ordinary skill in the art would likely find it illogical to inspect a preform, find it to be defective, and yet pass it through a heating process anyway. This would seem to be a waste of energy, whereas the teaching of Winter, wherein the defective preforms are sorted out prior to heating, would seem more logical. However, in the method and system of the Applicants' present disclosure, despite the seeming illogicality of first heating a defective preform, and only then, sorting out the defective preform, the present method and system has other advantages, such as gap minimizing. If preforms are being sorted out before the heating station, there are gaps created by the removal of the defective preforms, which gaps have to be closed prior to heating, because such gaps can cause heating faults in the oven. Depending on the proximity of the defective preform sorting to the heater, and particularly if the machine is operating at a high rate of speed, such gap removal may not be possible prior to heating. Thus, the heating of defective preforms is not taught or even suggested by Winter, which is directed to avoiding problems associated with the heating of defective preforms. Winter does not provide any motivation for the Applicants' solution, and if anything, teaches in a direction away from the Applicants' claimed solution.

Conclusion

Because Winter is directed at a method and system in which defective preforms are sorted out prior to heating, in order to avoid problems associated with the heating of defective preforms, it is respectfully submitted that Winter does not teach or suggest the Applicants'

Amendment After Final dated December 26, 2007

Response to final Office action mailed September 26, 2007

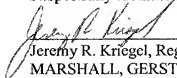
claimed solution, in which at least some defective preforms are sorted out after heating.

Withdrawal of the obviousness rejections of claims 1-11 is therefore respectfully solicited. It is also respectfully submitted that the rejection to claim 9 under 35 U.S.C. § 112, second paragraph is overcome by the amendment to claim 9.

The Examiner's reconsideration and favorable action are respectfully requested. If the Examiner has any questions that might easily be resolved by telephone, the Examiner is invited to call the Applicants' undersigned representative at (312) 474-6300.

Date: December 26, 2007

Respectfully submitted,



Jeremy R. Kriegel, Reg. No. 39,257
MARSHALL, GERSTEIN & BORUN LLP
233 South Wacker Drive, 6300 Sears Tower
Chicago, Illinois 60606
Tel. (312) 474-6300
Fax (312) 474-0448

Attorney for Applicants